

Order

Entered: September 30, 2003

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

2003-52

Amendment of Rule 2.119 of the Michigan Court Rules

On order of the Court, the need for immediate action having been found, the notice requirements of MCR 1.201 are dispensed with and the following amendment of Rule 2.119 of the Michigan Court Rules is adopted, to be effective October 1, 2003. This matter will be on the agenda of a future public administrative hearing. The notices and schedules for such hearings are posted at www.courts.michigan.gov/supremecourt, along with instructions for reserving time to address the Court in person.

[Additions are indicated below by underlining and
deletions are indicated by strikeover.]

Rule 2.119 Motion Practice

(A)-(F) [Unchanged.]

(G) Motion Fees. The following provisions apply to actions in which a motion fee is required by ~~MCL 600.2529(1)(e) or MCL 600.8371(10)~~:

- (1) A motion fee must be paid on the filing of any request for an order in a pending action, whether the request is entitled "motion," "petition," "application," or otherwise.
- (2) The clerk shall charge a single motion fee, ~~in the amount specified by MCL 600.2529(1)(e) or MCL 600.8371(10)~~, for all motions filed at the same time in an action regardless of the number of separately captioned documents filed or the number of distinct or alternative requests for relief included in the motions.
- (3) A motion fee may not be charged:
 - (a) in criminal cases;
 - (b) for a notice of settlement of a proposed judgment or order under MCR 2.602(B);

- (c) for a request for an order waiving fees under MCR 2.002 or MCL 600.2529(4) or MCL 600.8371(6);
- (d) if the motion is filed at the same time as another document in the same action as to which a fee is required ~~by another provision of MCL 600.2529 or MCL 600.8371; or~~
- (e) for entry of an uncontested order under subrule (D).

Staff Comment: The amendment of Rule 2.119 of the Michigan Court Rules was adopted September 30, 2003, effective October 1, 2003, without publication for comment. The Court suspended the notice provisions of MCR 1.201 in light of the October 1, 2003, effective date of 2003 PA 138, which amended various provisions of the Revised Judicature Act relating to court filing fees.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 30, 2003

Corbin R. Davis

Clerk